

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF IOWA  
WESTERN DIVISION**

SCOTT ALLEN SLAUTER,

Petitioner,

vs.

UNITED STATES OF AMERICA,

Respondent.

No. C16-4087-LTS  
(No. CR12-4017-LTS)

**AMENDED ORDER ON JOINT  
PETITION FOR RELIEF UNDER  
28 U.S.C. § 2255**

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I previously ruled on the parties' stipulated petition (Doc. No. 1) by petitioner Scott Allen Slauter and respondent the United States of America (the Government) for relief pursuant to 28 U.S.C. § 2255 on July 1, 2016. *See* Doc. No. 3. That order granted the motion (Doc. No. 1) and reflected a new sentence, as agreed upon by the parties, of 120 months on Count 1 and 24 months on Count 2, to be served consecutively (for a total sentence of 144 months). It has now come to my attention that in light of the Eighth Circuit's ruling in *United States v. Pierce*, 388 F.3d 1136 (8th Cir. 2004), the new sentence was stated incorrectly. The sentence should instead be imposed as 120 months on Count 1 and 120 months on Count 2, with 24 months of the sentence on Count 2 to be served consecutively, again for a total sentence of 144 months. *See* U.S.S.G. § 5G1.2, comment. (n.1) (to the extent possible, "the total punishment is to be imposed on each count").

#### ***IV. CONCLUSION***

For the reasons set forth herein:

1. Slauter is hereby re-sentenced to be committed to the custody of the United States Bureau of Prisons for a term of **120 months** on Count 1 and **120 months** on Count 2, with **24 months** of the sentence on Count 2 to be served consecutively (for a total sentence of **144 months**), to be followed by a **three-year** term of supervised release. All conditions of supervised release imposed in the original judgment will continue to apply.

2. The clerk's office is directed to send and fax or email a copy of this order to the Bureau of Prisons at the facility at which Slauter is currently incarcerated.

3. The clerk's office is also directed to send a copy of this order to Slauter and to United States Probation. United States Probation is directed to prepare an amended judgment for my signature.

**IT IS SO ORDERED.**

**DATED** this 7th day of July, 2016.



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LEONARD T. STRAND  
UNITED STATES DISTRICT JUDGE